

# HB 200 (PCS30341-LExf-13): Fee Adjustments in the Appropriations Act of 2011

## EDUCATION

Bill Section	Name	Current Fee	Proposed Fee	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
<b>Capital Projects</b>								
Sec. 30.7 (CAP-S7) (CAP-H8)  *Functionally identical	UNC Nonappropriated Capital Projects	N/A	N/A	Provides for capital projects for The University of North Carolina System. This provision is the same as Senate Bill 444, UNC Nonappropriated Capital Projects. (There is no House companion bill to SB 444.) The projects authorized by the section would not be financed with funds appropriated from the State's General Fund; but may be financed with gifts, grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs, other funds available to the constituent institutions, or a combination of any of those financing methods.		N/A	N/A	7/1/11
<b>Education</b>								
Sec. 7.22 (DPI-S22) (DPI-H26)  *Identical	North Carolina Virtual Public Schools Allotment Formula	N/A	See Description	Directs State Board of Education to establish a per student fee structure for out-of-state, private, and home schooled students enrolled in NC Virtual Public Schools. The State Board's policy has been to create a recommended fee schedule, so this provision clarifies that policy directive and places it into session law.	N/A	Unknown	Unknown	7/1/11
Sec. 31.1 (TRANS-S34) (TRANS-H28)  *Not identical <sup>1</sup>	Drivers Education Fee	N/A	N/A	Reforms drivers' education. No finance component in Senate counterpart.	N/A	Unknown	Unknown	7/1/11
Sec. 31.2 (FIN-S11) (DOCC-H13)  *Identical	GED Fee Increase	\$7.50 (with no fee for re-testing)	See Description	Allows State Board of Community College to set GED testing (and retesting) fee. The fee would likely be \$25 per test.	1987	At least sufficient to replace \$208,533 in GF, but total revenue projected at \$397,000	At least sufficient to replace \$208,533 in GF, but total revenue projected at \$397,000	7/1/11

<sup>1</sup> The House counterpart provision included the same reforms to drivers' education but also included an authorization to the local boards of education to charge up to \$75 for drivers' education participants.

## NATURAL AND ECONOMIC RESOURCES

Bill Section	Name	Current Fee	Proposed Fee	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
<b>Department of Commerce/Economic Development</b>								
Sec. 31.4 (FIN-S7) (COMM-H2)  *Identical	Set Regulatory Fee for Utilities Commission	0.12%	Same	The utility regulatory fee is a tax that was first imposed in 1989. The proceeds of the fee are credited to the Utilities Commission and Public Staff Fund and used to defray the State's cost in regulating public utilities. The regulatory fee is imposed on all utilities that are subject to regulation by the North Carolina Utilities Commission. The fee is a percentage of the utility's North Carolina jurisdictional revenues. The rate has remained the same since 2003. This rate applies to each public utility's jurisdictional revenues earned during each quarter that begins on or after July 1, 2011.				7/1/11
Sec. 31.4 (FIN-S7) (COMM-H2)  *Identical	Set Regulatory Fee for Electric Membership Corporation	\$200,000	Same	The proceeds of the fee are credited to the Utilities Commission and Public Staff Fund and used to defray the State's cost in regulating electric membership corporations. This fee has remained the same since it was first imposed in 1999.				7/1/11
Sec. ## (FIN-S10) HOUSE: none	Fee to Advertise in Welcome Centers	\$0	\$100-\$200 per welcome center per year	Imposes an annual fee of \$100 for brochures less than 4" in width and less than 9" in length in welcome centers. For all other brochures, the fee is \$200/year/center. Fee does not apply to government/public sector entities.				7/1/11
<b>Department of Agriculture &amp; Consumer Services</b>								
Sec. 31.5 (FIN-S2) (AGRIC-H7)  *Identical	License Fees for kennels, pet stores, etc.	\$50	\$75	Increases the license fee for operators of pet shops, public auctions, or boarding kennels and for dealers.	1989	\$10,000	\$10,000	7/1/11
Sec. 11.2 (AGRIC-S1) Sec. 11.2 & 31.6 (AGRIC-H4)  *Identical	Repeal Board of Agriculture Review of Fee Schedules	N/A	N/A	Repeals statutory requirement that Department of Agriculture biennially review all fees under its authority. This requirement was added during the last biennium and has been found to be unnecessary.				7/1/11
Sec. 31.7 (FIN-S1) (AGRIC-H3)  *Identical	Fee For Expedited Soil Test	New	\$100	New \$100 fee for expedited soil test.	N/A	\$50,000	\$50,000	7/1/11

Sec. 31.7 (FIN-S1) (AGRIC-H3)  *Identical	Fee for Out-of-State Soil Tests	New	\$5.00	New \$5 fee for out-of-state soil test.	N/A	Minimal	Minimal	7/1/11
Sec. 31.8 (AGRIC-S4) (AGRIC-H1A)  *Not identical <sup>2</sup>	Technical Corrections regarding Commercial Fertilizer Inspection Fee, Pesticide Technician ID Card Renewal Fee, and Pesticide Dealer License Renewal Fee	\$0.25 listed/\$.50 actual \$25 listed/\$40 actual \$50 listed/\$75 actual	N/C to actual	Technical correction for three fees. The General Assembly increased these fees in 2009 and 2010. The legislation failed to make the conforming changes in these statutes.				7/1/11
Sec. 31.9 (FIN-S3) (AGRIC-H6)  *Identical	Increase Agricultural Liming Materials Tonnage Fees	\$.10	\$.50	Increases the tonnage fee paid by manufacturers or registrants to Dept. of Agriculture and Consumer Services for agricultural liming material from \$.10 to \$.50.	1979	\$250,000	\$250,000	7/1/11
Sec. 31.10 (FIN-S4) (AGRIC-H5)  *Identical	Increase Antifreeze Distribution Registration Fee	\$250	\$500	Increases license and inspection fee for manufacturers, packagers, or persons named on the label of antifreeze from \$250 to \$500.		\$75,000	\$75,000	7/1/11
<b>Environment</b>								
Sec. 2.2(f) (GEN-S10) (ENV-H11)  *Identical	Divert Scrap Tire Tax Proceeds to General Fund	1% - 2% of sales price of each new tire	Same	Redirects for FY 11-12 to the GF the proceeds in an amount equal to the cash balance of the Scrap Tire Fund (\$1,134,495) within the Solid Waste Management Trust Fund. Excess scrap tire disposal tax proceeds would be deposited into the Scrap Tire Fund and distributed as follows: 8% to the Solid Waste Management Trust Fund, 17% to the Scrap Tire Disposal Account, 2.5% to the Inactive Hazardous Sites Cleanup Fund, 2.5% to the Bernard Allen Memorial Emergency Drinking Water Fund, and 70% to the counties.		N/A	N/A	7/1/11
Sec. 2.2(g) (GEN-S10) (ENV-H12)  *Identical	Divert White Good Tax Proceeds to General Fund	\$3 for each new white good purchased	Same	Redirects for FY 11-12 to the GF the proceeds in an amount equal to the cash balance of the White Good Fund (\$1,131,342) within the Solid Waste Management Trust Fund. Excess white good disposal tax proceeds would be distributed as follows: 8% to the Solid Waste Management Trust Fund, 20% to the White Good Management Account, and 72% to the counties.		N/A	N/A	7/1/11
Sec. 31.11 (FIN-S6) (ENV-H3)  *Identical <sup>3</sup>	Reduce Portion of Certificate of Title Fees Credited to Mercury Switch Removal Account	Varies	Varies	An application for certificate of title for a motor vehicle carries a \$40 fee. A portion of the fee assessed is credited to the Mercury Switch Removal Account in DENR. The portion credited is reduced by this provision from \$1 to \$.50.		N/A	N/A	7/1/11

<sup>2</sup> The House counterpart provision does not include the technical change to the pesticide dealer license renewal fee.

Sec. 31.14 (ENV-S18A) (ENV-H2F)  *Not identical <sup>4</sup>	Locals to Set and Collect Food and Lodging Fees and Retain Larger Local Portion of These Fees	\$75	\$75	Establishments that prepare or serve drink or food (other than nutrition programs for the elderly administered by the Division of Aging and Adult Services of the Department of Health and Human Services and public school cafeterias) must be permitted, the annual fee for which is seventy five dollars (\$75.00) for each permit issued. Fees collected under this subsection are used for State and local food, lodging, and institution sanitation programs and activities. Under current law, no more than 33.3% of the fees collected under this subsection may be used to support State health programs and activities. This provision would reduce that percentage to 10%.		Unknown	Unknown	7/1/11
Sec. 31.15 (FIN-S8) Sec. 31.15 & 13.5 (ENV-H7)  *Identical	Additional Uses of Hazardous Waste Fees	Varies	Same	Adds to the uses permitted for hazardous waste fees (i) to implement/provide oversight of necessary response activities involving inactive hazardous substances or waste disposal sites and (ii) to provide compliance/prevention activities within the solid waste program to ensure hazardous waste is not disposed in solid waste management facilities		N/A	N/A	7/1/11
<b>Department of Labor</b>								
Sec. 12.1 (LAB-S1) (LAB-H1)  *Identical	Repeal Statute Requiring Biennial Review of Fees by Department	N/A	N/A	Repeals statutory requirement that Dept. of Labor biennially review all fees under its authority. This requirement was added during the last biennium but was found to be unnecessary		N/A	N/A	7/1/11
<b>Environment &amp; Natural Resources</b>								
Sec. 2.2(h) (GEN-S10) (NATRES-H23)  *Not identical <sup>5</sup>	Divert Portion of Deed Stamp Tax Revenue Source for Parks & Recreation Trust Fund	\$1 per \$500 of value conveyed	Same	Under current law, 75% of the revenue remitted to the State from the deed stamp tax is credited to the Parks and Recreation Trust Fund and used for various capital projects. This provision would redirect \$4,217,500 of this amount to the General Fund for fiscal year 2011-12.		N/A	N/A	7/1/11
Sec. 13.11 (ENV-S17) (NATRES-H19)  *Identical	Repeal DENR Review of Fee Schedules	N/A	N/A	Repeals statutory requirement that DENR biennially review all fees under its authority. This requirement was added during the last biennium and has been found to be unnecessary.		N/A	N/A	7/1/11

<sup>3</sup> See, also, section 28.30.

<sup>4</sup> Section 31.14, likely to be the House counterpart provision, directs FRD to study the administration and financing of food, lodging, and institution sanitation programs and rules, report the findings, and include the fee amount necessary to cover costs to the State and operating costs of the local health departments as well as the most efficient manner to set, collect, and remit the fee between the State and the local health departments.

<sup>5</sup> The amount redirected in the House counterpart provision was \$8,435,000.

Sec. 2.2(i) (GEN-S10) Sec. 2.2(i) & 31.17 (NATRES- H24A)  *Not identical <sup>6</sup>	Divert Portion of Deed Stamp Tax Revenue Source for Natural Heritage Trust Fund	\$1 per \$500 of value conveyed	Same	Under current law, 25% of the revenue remitted to the State from the deed stamp tax is credited to the Natural Heritage Trust Fund and used for various land purchases. This provision would redirect \$4.5 million of this amount to the General Fund for fiscal year 2011-12. This diversion takes the expected revenue to the Trust Fund not needed for operating expenses and debt service. Any additional revenue that comes into the fund may be used for grants. This diversion does not take the cash balance of the Trust Fund, it diverts revenue expected in FY 2011-12. Funds for existing contracts remain.		N/A	N/A	7/1/11
Sec. 13.14 (NATRES-S1) Sec. 13.14 & 31.18 (NATRES- H6D)  *Not identical <sup>7</sup>	Parks & Recreation Trust Fund; Allocation of Deed Stamp Tax Proceeds Credited to Fund	\$1 per \$500 of value conveyed	Same	Under current law, 75% of the revenue remitted to the State from the deed stamp tax is credited to the Parks & Recreation Trust Fund & used for various capital projects. This provision would redirect this revenue as follows for fiscal year 2011-12: for operating expenses of Division of Parks & Recreation of DENR \$6M; for capital projects, repairs, renovations, debt service, & land acquisition by the State Parks System \$9.75M; for grants to local governments for matching requirements \$6,345,000; and for Coastal and Estuarine Water Beach Access Program \$1,057,500. This diversion leaves money in the Trust Fund to cover the State Park Service debt payment, provide for local government parks and recreation grants and for the Coastal and Estuarine Water Beach Access program. Any additional revenue that comes into the fund may be used for the purposes described in G.S. 113-44.15. This diversion does not take the cash balance of the Trust Fund, it diverts revenue expected in FY 2011-12. Funds for existing contracts remain.		N/A	N/A	7/1/11
Sec. 13.27 (NATRES- S10) Sec. 13.27 & 31.20 (NATRES- H12E) * Not identical <sup>8</sup>	New Funding Source for Wildlife Resource Commission Operating Budget	N/A	N/A	In 1983, the General Assembly transferred a portion of the State sales and use tax revenue derived from hunting and fishing supplies and equipment to the Wildlife Resources Fund. This provision would repeal this transfer and replace it with an appropriation of \$16M from the General Fund.		N/A	N/A	7/1/11
Sec. 31.22 (FIN-S5) (NATRES-H1)  *Identical	No New Fees for Parking in State Parks	N/A	N/A	Prohibits State Parks from charging not-previously-charged parking fees.		N/A	N/A	7/1/11

<sup>6</sup> The amount redirected in the House counterpart provision was \$8,000,000.

<sup>7</sup> The respective amount redirected in the House counterpart provision are \$6M (operating expenses); \$8M (capital projects, r&r, debt service, land acquisition); \$4.23M (local gov't matching reqs.); and \$705,000 for Beach Access.

<sup>8</sup> The amount of the appropriation in the House counterpart provision was \$18,500,000 and directed that the funds be transferred to a special fund.

## JUSTICE AND PUBLIC SAFETY

Section	Name	Current Cost	Proposed Cost	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
<b>JPS: Court Costs &amp; Contingent Court Costs</b>								
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Superior Court – Civil	\$125.00	\$180.00	Raised cost (GF, for support of General Court of Justice)		\$1,492,315	\$1,492,315	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Superior Court – Criminal	\$102.50	\$154.50	Raised cost (GF, for support of General Court of Justice)	2010	\$140,244	\$140,244	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	District Court – Civil	\$80.00	\$130.00	Raised cost (GF, for support of General Court of Justice)	2007	\$8,004,800	\$8,004,800	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Not identical	District Court – Criminal	\$100.50	\$129.50 <sup>9</sup>	Raised cost (GF, for support of General Court of Justice)	2010	\$23,663,976	\$23,663,976	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Magistrate – Civil (Small Claims)	\$55.00	\$80.00	Raised cost (GF, for support of General Court of Justice)	2010	\$6,193,975	\$6,193,975	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Special Proceedings	\$75.00	\$106.00	Raised cost (GF, for support of General Court of Justice)	2009	\$465,000	\$465,000	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Estates	\$75.00	\$106.00	Raised cost (GF, for support of General Court of Justice)	2009	\$1,085,000	\$1,085,000	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Additional Civil Motions	\$0.00	\$20.00	New cost for all motions other than motions addressed in G.S. 7A-308 (GF, for support of General Court of Justice)	2009	\$3,139,860	\$3,139,860	7/1/11

<sup>9</sup> The court cost in the House counterpart provision was \$124.50.

Section	Name	Current Cost	Proposed Cost	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
<b>JPS: Court Costs &amp; Contingent Court Costs</b>								
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Reissuance of Summons	\$0.00	\$15.00	New cost for alias and pluries summons and all endorsements issues on an original summons, both under G.S. 7A-308 (GF, for support of General Court of Justice)	New	\$820,455	\$820,455	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Foreclosure	\$150.00	\$300.00	Raised cost (GF, for support of General Court of Justice)	2009	\$8,875,350	\$8,875,350	7/1/11
Sec. 31.23 AOC-S19 AOC-H23 *Identical	Counterclaims and cross-claims (except 50B) – magistrate, district court and superior court	\$0.00	\$180 \$130 \$80 \$12 \$16 \$4	New costs imposed for counter and cross-claims in the amounts of \$180 (Superior Court) / \$130 (District Court / \$80 (Magistrate) (goes to GF, for support of General Court of Justice), \$12 for cases before magistrates or \$16 for cases in district or superior court (goes to the counties) and \$4 (goes to the Court Information Technology Fund)	New	\$1,880,970	\$1,880,970	7/1/11
Sec. 31.23 AOC-H23 *Not Identical <sup>10</sup>	Reduce access to CJ Pass-through	\$2.05	N/C	No change in Senate counterpart provision AOC-S19				
Sec. 31.24 AOC-S21 AOC-H28  *Identical	Community Mediation Centers Worthless Check Programs	\$60	\$60	A private, non-profit entity may charge fees for its services. This section codifies this ability for a community mediation center. The General Assembly began encouraging the work of these centers in 1999 as a means of reducing the caseload in the district court system.	New	No change	No changes	7/1/11
Sec. 31.25 AOC-S25 AOC-H29 *Identical	Increase Interstate Compact Transfer Fee	\$150	\$250	Increases transfer application fee for convicts in this State who make a request for transfer to another state pursuant to the Interstate Compact.	2008	Unknown	Unknown	7/1/11
Sec. 31.26 AOC-S22 AOC-H24  *Identical	Contingent Court Cost Increases for Counties: District Court Facility Fee	\$12.00	\$30.00	Increases the cost for use of the courtroom and related judicial facilities. The proceeds would remain with the counties. The provision would only become effective if HB 642 (or other requirement that a misdemeanor with a period of confinement of ≤ 6 months serve in a local confinement facility) becomes effective.	Prior to 2000	\$19,100,000 (proceeds go to counties)	\$19,100,000 (proceeds go to counties)	7/1/11
Sec. 31.26 AOC-S22 AOC-H24  *Identical	Increase Civil Process Fee	\$15.00	\$30.00	Increases the costs for the service of civil processes. The proceeds would remain with the counties. The provision would only become effective if HB 642 (or other requirement that a misdemeanor with a period of confinement of ≤ 6 months serve in a local confinement facility) becomes effective.	2004	\$3,300,000 (proceeds go to counties)	\$3,300,000 (proceeds go to counties)	7/1/11

<sup>10</sup> Senate provision AOC-S19 is the Senate counterpart to House provision AOC-H23, which included a reduction to the portion of General Court of Justice costs that were to be remitted to the NC State Bar for legal services programs from \$2.05 per cost to \$1 per cost.

Section	Name	Current Cost	Proposed Cost	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
<b>JPS: Court Costs &amp; Contingent Court Costs</b>								
Sec. 31.26 AOC-S22 AOC-H24  *Identical	Daily Jail Fee	\$5.00	\$10.00	Increases the costs for daily jail confinement. The proceeds would remain with the counties. The provision would only become effective if HB 642 (or other requirement that a misdemeanor with a period of confinement of $\leq 6$ months serve in a local confinement facility) becomes effective.	Prior to 2000	Unknown (proceeds go to counties)	Unknown (proceeds go to counties)	7/1/11
Sec. 31.26 AOC-S22 AOC-H24  *Identical	Improper Equipment	\$0.00	\$50.00	Would impose an additional costs on a person convicted of an improper equipment violation. The proceeds would remain with the counties. The provision would only become effective if HB 642 (or other requirement that a misdemeanor with a period of confinement of $\leq 6$ months serve in a local confinement facility) becomes effective.	New	\$12,430,000 (proceeds go to counties)	\$12,430,000 (proceeds go to counties)	7/1/11
Sec. 31.26 AOC-S22 AOC-H24  *Identical	Medical Care for Prisoners	\$10	Not more than \$20	Would increase the cost for nonemergency medical care to prisoners. The proceeds would remain with the counties. The provision would only become effective if HB 642 (or other requirement that a misdemeanor with a period of confinement of $\leq 6$ months serve in a local confinement facility) becomes effective.	Prior 2000	Unknown (proceeds go to counties)	Unknown (proceeds go to counties)	7/1/11
Sec. ## AOC-S23 HOUSE: none	Laboratory Facilities Fee Expansion	\$600 for use of SBI lab	\$600 for use of SBI or local law enforcement labs	Would expand the \$600 fee for use of laboratory facilities from being imposed solely for use of SBI facilities to include imposition of fee for use of local law enforcement lab facilities.				7/1/11



## GENERAL GOVERNMENT

Section	Name	Current Fee	Proposed Fee	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
Sec. 31.27 GENGOV-S3 INS-H4 *Identical	Insurance Regulatory Charge	6%	6%	First enacted in 1991 to defray the State's cost of regulating the insurance industry, the charge is a percentage of each insurance company's gross premiums tax liability. The General Assembly must set the rate for this charge each year.	2010			7/1/11
Sec. 31.27A SEC-S1 HOUSE: none	Investment Company Notice Filing Fee	\$2000	\$1725 + \$275 per security	Modifies the annual fee charged to investment companies offering securities in this State from a flat \$2000 to \$1750 + \$275 per security offered.		\$1,600,000	\$1,600,000	1/1/11
Sec. 31.27B ADMIN-S11A HOUSE: none	Raise Parking Rates	\$1/hr.	\$2/hr.	Directs the Department of Administration to raise parking rates from \$1 per hour to \$2 per hour.	2006	\$550,000	\$550,000	7/1/11

## INFORMATION TECHNOLOGY

Section	Name	Current Fee	Proposed Fee	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
Sec. 6A.16 IT-S17 Money Report p. N-2 IT-H16C *Functionally identical	Statewide Information Technology Procurement	N/A	New (schedule of fees TBD)	Allows the Statewide Information Technology Procurement Office to charge a fee to make up a \$500,000 shortfall resulting from a reduction in supplemental staffing contracts. In the past, a 4.5% fee on IT contracts has funded the Office. Reductions in supplemental staffing contracts have reduced the amount received from this fee.	N/A	\$550,000	\$550,000	When bill becomes law

## TRANSPORTATION

Section	Name	Current Fee	Proposed Fee	Use/Description	Last Change	FY 11-12	FY 12-13	Eff. Date
Sec. 28.30 TRANS-S26 *Identical	Additional Highway Trust Fund Money for Mobility Fund; Visitor Centers Funding	\$40, of which none goes to Mobility Fund	\$40, of which \$.50 goes to Mobility Fund	An application for certificate of title for a motor vehicle carries a \$40 fee. This provision would direct \$.50 of that fee to the Mobility Fund				
Sec. 31.29 TRANS-S47 TRANS-H20 *Identical	DMV Bulk (Partial) Data Records	Varies	\$.03/record	New per-individual-record fee for non-official license record data.	N/A	\$5,050,000	\$5,050,000	7/1/11
Sec. 31.30 TRANS-S35 TRANS-H11  *Identical	Toll Ferries	Set by DOT for some routes (\$1-\$45 ( route length, presence/ type of vehicle)	Set by Board of Transportation for all routes	Requires all ferry routes be tolled. Would allow DOT to take into account the needs of commuters and other frequent passengers.	2002	\$5,000,000	\$7,500,000	4/1/12